

State of California, State Water Resources Control Board

Division of Water Rights

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400 Web: <http://waterrights.ca.gov>

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FORM

S011136

2005, 2006, 2007

Owner(s) of Record:

DONALD J BERINATI

Notifying the Division of Water Rights of ownership or address changes is the responsibility of the claimant

Please Complete and Return This Form by JULY 1, 2008

Primary Contact:

DONALD J BERINATI

PO BOX 2301

GARDNERVILLE, NV 89410

Phone No. 775-790-0054

Fax No.

E-mail Address:

Agent:

Address:

Phone No.

Fax No.

E-mail Address:

INACTIVE
EWIRMS/BR

AUG 12 2009

Source Name: EAST FORK SWAUGER CREEK

Tributary To:

County: Mono

Diversion within: NW 1/4 of SE 1/4 Section 9, T 6 N, R 24 E, MDB&M

Year of First Use: 1982

Name of Diversion works:

**Assessor Parcel Number
of the Diversion site:**

A. **Water is Used Under:** Riparian claim ___ Pre-1914 claim ___ Court Decree No.: ___ Other (explain): ___

B. **Year of First Use:** (Please provide if missing in the Division of Rights database (ewirms)) ___

C. **Rate of Diversion:** The rate of diversion of water for each month used and entered in the table below is shown in units of:

Gallons per minute (gpm) ___ Gallons per day (gpd) ___ Cubic feet per second (cfs) ___

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Average Rate
2005													
2006													
2007													

D. **Quantity of Water Used:** The quantity of water used each month and entered in the table below is shown in units of:

Gallons ___ Million Gallons (MG) ___ Acre-feet (AF) ___

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2005													
2006													
2007													

E. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation: ___ acres; Stockwatering: ___; Domestic: ___;

Other (specify) _____

Parcel Number(s) of Place of Use: _____

F. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.

(New pump, enlarged diversion dam, location of diversion, etc.)

G. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ___ NO ___

Describe any water conservation efforts you have initiated: _____

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:

Year ___ (AF/MG) Year ___ (AF/MG) Year ___ (AF/MG)

Reduction in consumptive use:
Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES _____ NO _____

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES _____ NO _____.
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:
Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

State the type of substitute water supply: _____

Amount of substitute water supply used:
Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)
I have data to support the above surface water use reductions due to the use of a substitute water supply. YES _____ NO _____.

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES _____ NO _____.
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:
Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)
I have data to support the above surface water use reductions due to the use of groundwater. YES _____ NO _____.

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: _____, 20____ at _____, California

SIGNATURE: _____

PRINTED NAME: _____
(first name) (middle initial) (last name)

COMPANY NAME: _____

ITEM CONTINUATION

If there is insufficient space for your answers, please use the space provided below or add an attachment sheet.

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. After the formation of the California Water Commission back on December 19, 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000, SACRAMENTO, CA 95812-2000
(916) 657-2170

STATE WATER RESOURCES CONTROL BOARD
SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE
If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

99 MAR 18 PM 3:31

DIV. OF WATER RIGHTS
SACRAMENTO

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1999

OWNER OF RECORD: DONALD J BERINATI

DONALD J BERINATI
PO BOX 155 2301
BRIDGEPORT, CA 93517
GARDNERVILLE W 89410

STATEMENT NO: S011136

SOURCE: EAST FORK SWAUGER CREEK
TRIBUTARY TO: SWAUGER CREEK
COUNTY: MONO
DIVERSION
WITHIN: NW $\frac{1}{4}$ OF SE $\frac{1}{4}$ SECTION 9, T6N, R24E, MB&M.

TELEPHONE NUMBER: (775) 790-0054
YEAR OF FIRST USE: 1982
PARCEL NO:

- A. Water is used under: Riparian claim ☒ Pre 1914 right _____ Other (explain): _____
- B. Year of first use (Please provide if missing above) _____
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: Gallons _____ Acre-feet _____ Other CFS

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
1996	25												
1997													
1998													

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____ acres; Stockwatering _____; Domestic _____

Other (specify) HYDROELECTRIC

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

- F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

- a. Describe any water conservation efforts you may have started: _____
- b. _____

- c. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

19 _____ (af/mg) 19 _____ (af/mg) 19 _____ (af/mg)

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES _____ NO _____

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000, SACRAMENTO, CA 95812-2000
(916) 657-2170

- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

19____ (af/mg) 19____ (af/mg) 19____ (af/mg)

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES _____ NO ☒

- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

19____ (af/mg) 19____ (af/mg) 19____ (af/mg)

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 3/13, 1999 at Coandreville Nevada, California

SIGNATURE: Donald L. Bernat

PRINTED NAME: DONALD (first name) J (middle init.) BERNAT (last name)

COMPANY NAME: SWEETWATER BULK CO.

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or divert water which originates in a different watershed, or return flows from use of groundwater

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and per 1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

S-11136

**** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ****

**STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS**

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATEMENT NO: S011136
OWNER OF RECORD: DONALD J BERINATI

DONALD J BERINATI
P O BOX 155
BRIDGEPORT, CA 93517

STATE WATER RESOURCES
CONTROL BOARD
DIV. OF WATER RIGHTS
SACRAMENTO
96 MAY 14 PM 12:18

SOURCE: EAST FORK SWAUGER CREEK
TRIBUTARY TO: SWAUGER CREEK
COUNTY: MONO

DIVERSION

WITHIN: NW¼ OF SE¼ SECTION 9, T6N, R24E, MDB&M.

TELEPHONE NUMBER:

() -

YEAR OF FIRST USE: 1982

PARCEL NO:

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

COMPLETE AND RETURN THIS FORM BY JULY 1, 1995.

A. Water is used under: Riparian claim ☒; Pre 1914 right _____; Other (explain) _____

B. Year of first use (Please provide if missing above) 1982

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☐ (other) _____

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1992	0												0
1993													
1994	0												0

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____ acres; Stockwatering _____; Domestic _____

Other (specify) Hydroelectric - non consumptive - divert approx
= 3 CFS FOR 600 LF STREAM LENGTH & RETURN.

***** CONTINUE ON BACK PAGE *****

*** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ***

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

None

- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

None

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 5/9, 1996, at SWANER CREEK, California

SIGNATURE: Donald J. Belmont

PRINTED NAME: DONALD (FIRST NAME) J (M. NAME) BELMONT (LAST NAME)

COMPANY NAME: _____

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"Statements of Water Diversion and Use"
"Information Pertaining to Water Rights in California"
"Water Rights for Stockponds Constructed Prior to 1969"
"Appropriation of Water in California"

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. Box 2000
Sacramento, CA 95812-2000

STATEMENT OF WATER DIVERSION AND USE
INFORMATION SHEET

STATEMENT NO. SD 11136

DIVERSION SITE:

OWNER'S NAME DOMINGO J. BERNARD
(FIRST) (MIDDLE) (LAST)

PARCEL NO. 32-4 LOT #1

PLACE OF USE:

OWNER'S NAME AS ABOVE
(FIRST) (MIDDLE) (LAST)

1. PARCEL NO. _____

2. PARCEL NO. _____

3. PARCEL NO. _____

PERSON OR FIRM TO RECEIVE ALL CORRESPONDENCE AND SUPPLEMENTAL
STATEMENTS:

OWNER/LESSEE/AGENT/OTHER A

NAME AS ABOVE
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS Box 155
BORST CA 93517
(CITY) (STATE) (ZIP)

TELEPHONE NO. (619) 932 - 7173

OTHERS USING ABOVE DIVERSION LOCATION:

1. NAME N/A
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS _____

(CITY) (STATE) (ZIP)

TELEPHONE NO. (_____) _____ - _____

2. NAME _____
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS _____

(CITY) (STATE) (ZIP)

TELEPHONE NO. (_____) _____ - _____

☐ ADDITIONAL INFORMATION CONTINUED ON BACK OF PAGE OR ATTACHED

PLEASE USE THE OTHER SIDE TO PROVIDE THE ABOVE INFORMATION FOR
ADDITIONAL OWNERS OR PLACES OF USE AND CHECK THE ADDITIONAL
INFORMATION BOX.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95810
901 P ST. SACRAMENTO, CA
(916) 322-4503

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIV. OF WATER RIGHTS STATEMENT NO: 011136
SACRAMENTO

DIVERTER OF RECORD:

DONALD J BERINATI
BOX 155
BRIDGEPORT, CA 93517

TELEPHONE NUMBER:
() -

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: EAST FORK SWAUGER CREEK

TRIBUTARY TO: SWAUGER CREEK

COUNTY: MONO

DIVERSION

WITHIN: NW1/4 OF SE1/4 SECTION 09, T06N, R24E, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1992. (Additional information on reverse side of this form.)

- A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.
- Amounts below are: ☐ Gallons ☐ Acre-feet ☒ Cubic ft/sec. (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct	Nov.	Dec	Total Annual
1989	0.25												
1990	0.25												
1991	0.25												

- B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____

Stockwatering _____

Domestic _____

Other (specify) Hydroelectric generation - non consumptive use: all water returned.

- C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

None - all diverted waters are returned to stream.

- D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

N/A.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 8/29, 19 92, at Swauger Creek, California

Signature: Donald J. Berinati

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

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"Water Rights for Stockponds Constructed Prior to 1969"

"Appropriation of Water in California"

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

STATEMENT OF WATER DIVERSION AND USE
(This is not a Water Right)

This statement should be typewritten or legibly written in ink.

STATE WATER RESOURCES
CONTROL BOARD

APR 13 11 00 AM '83

DIVISION OF WATER RIGHTS
SACRAMENTOA. Name of person diverting water DONALD J. BERINATI
Address Box 155 BRIDGEPORT CA 93517 Telephone: N/AB. Name of body of water at point of diversion E. FORK OF SWANER CREEK
Tributary to E. WALKER RIVERC. Place of diversion NW 1/4 SE 1/4 Section 9, Township 6N, Range 24E, B&M,
MOJO County, or locate it on sketch of section grid on reverse side with regard to section
lines or prominent local landmarks.D. Name of works N/AE. Capacity of diversion works 0.40 cubic feet per second
Capacity of storage reservoir 2.50 gallons per minute
State quantity of water used each month in gallons or acre-feet gallons
acre-feet

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
<u>0.3</u>	<u>0.3</u>	<u>0.3</u>	<u>0.3</u>	<u>0.3</u>	<u>0.3</u>	<u>0.3</u>	<u>0.3</u>	<u>0.3</u>	<u>0.3</u>	<u>0.3</u>	<u>0.3</u>	<u>0.3</u>	<u>CFS</u>

If monthly and annual use are not known, check months in which water was used. State extent of use in
units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc.N/AMaximum annual water use in recent years N/A gallonsMinimum annual water use in recent years N/A acre-feetType of diversion facility: gravity ☒, pump ☐Method of measurement: weir ☒, flume ☐, electric power meter ☐, water meter ☐, estimate ☐F. Purpose of use (what water is being used for) Hydroelectric power generation - water
is diverted to penstock (600 ft in length) and returned to creekG. General description or location of place of use (use sketch of section grid on reverse side if you desire)
Penstock placed in meadow (7% grade); entire system is non-consumptive useH. Year of first use as nearly as known 1982I. Name of person filing statement DONALD J. BERINATIPosition Property owner Organization Address Box 155 Bridgeport, CA 93517 Telephone:

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and belief.

DATED: 3/20, 19 83, at Swaner Creek, California.Signature: Donald J. Berinati~~CA-1000~~
ZONE 3

SC- 6-111-50-00-0

WR 40 (7/77)

See Instructions on Reverse Side

H-31 FALES NOT SPRING 15'

N-689000
E-233/100

STATE OF CALIFORNIA

11136 KSN

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
STATEMENT OF WATER DIVERSION AND USE
(This is not a Water Right)

This statement should be typewritten or legibly written in ink.

STATE WATER RESOURCES
CONTROL BOARD

APR 13 11 PM '83

DIV. OF WATER RIGHTS
SACRAMENTOA. Name of person diverting water DONALD J. BERINATIAddress Box 155 BRIDGEPORT CA 95717 Telephone: N/AB. Name of body of water at point of diversion E. FORK OF SWANER CREEKTributary to E. WALKER RIVERC. Place of diversion NW 1/4 SE 1/4 Section 9 Township 6N Range 24E B&M,Mad County, or locate it on sketch of section grid on reverse side with regard to section lines or prominent local landmarks.D. Name of works N/AE. Capacity of diversion works 0.40 cubic feet per secondCapacity of storage reservoir 250 gallons per minute

State quantity of water used each month in gallons or acre-feet:

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	CFS

If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc.

N/AMaximum annual water use in recent years N/A gallonsMinimum annual water use in recent years N/A gallonsType of diversion facility: gravity ☒, pump ☐Method of measurement: weir ☒, flume ☐, electric power meter ☐, water meter ☐, estimate ☐F. Purpose of use (what water is being used for) hydroelectric power generation - water is diverted to penstock (600 ft in length) and returned to creekG. General description or location of place of use (use sketch of section grid on reverse side if you desire) Penstock placed in meadow (7% grade); entire system is non-consumptive useH. Year of first use as nearly as known 1982I. Name of person filling statement DONALD J. BERINATIPosition Property owner Organization Address Box 155 Bridgeport CA 95717 Telephone:

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and belief.

DATED: 3/28 19 83, at Swaner Creek, California.Signature: Donald J. Berinati

See Instructions on Reverse Side